IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 77 OF 2005

Shri Lalji Daulat Patil] .. Petitioner

Versus

1. The Collector, Nashik District, Nashik & 6 ors.] .. Respondents

Mr. J.N. Pawar for the petitioner.

Ms. P.S. Cardozo, AGP, for respondents No.1, 7.

Mr. B.A. Walimbe i/b Mr. R.V. More for respondent No.2.

Mr. D.B. Ugade i/b Mr. M.N. Sandhyanshiv for respondent No.4.

Mr. K.S. Patil i/b Mr. P.N. Joshi for respondents No.3, 5 and 6.

CORAM: R.M. LODHA &
NARESH H. PATIL, JJ.

DATED: 27TH JULY, 2006

P.C. :

. Heard.

2. We perused the Writ Petition and the reply Affidavit filed by respondents No.1 and 7 and respondent No.5.

3. The respondent No.5 in reply Affidavit has

stated thus:

> "I say that the Sarpanch and Gram Vikas Adhikari had issued a notice on 23/8/2005 for removal of encroachment by initiating action purportedly under Section 53 (1) (2) (3) of the Bombay Village Panchayat Act. I say that the said notice and the action on the part of Gram Panchayat has been challenged by the Respondent no.5 before the Civil Court by filing Regular Civil Suit No.96/2005. The said suit is pending before the Court of Civil Judge, J.D., Satara."

4. Since the matter is subjudice before the Civil Court, we are satisfied that the extra ordinary jurisdiction does not deserve to be invoked by this Court.

5. Writ Petition (PIL) is disposed of accordingly.

Sd/-
[R.M. LODHA, J.]

Sd/-
[NARESH H. PATIL, J.]